

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IMPLANT WITH COMPOSITE COATING**

the specification of which

\_\_\_\_\_ is attached hereto.

X was filed on May 14, 1998 as Application No. 09/079,502.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a) which states in relevant part: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section... The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98."

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), and under §119(e) of any United States provisional application(s), listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Patented, Pending, Abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Patented, Pending, Abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Paul Davis	29,294
Mark A. Haynes	30,846
John J. Bruckner	35,816
Charles C. Cary	36,764
David J. Weitz	38,362
Kent R. Richardson	39,443
U.P. Peter Eng	39,666
George A. Willman	41,378

Address all correspondence to:

**John J. Bruckner**  
**Wilson Sonsini Goodrich & Rosati**  
**650 Page Mill Road**  
**Palo Alto, CA 94304**

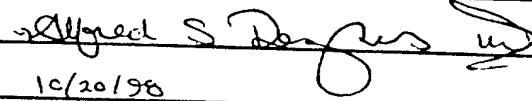
Direct all telephone calls to John J. Bruckner at (650) 493-9300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first inventor:

Alfred S. Despres, III

Inventor's signature:



Date:

10/20/98

Citizenship:

U.S.A.

Residence:

Davis, California

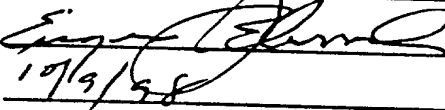
Post Office Address:

2313 Muir Woods Place, Davis, CA 95616

Full name of second joint  
inventor, if any:

Eugene J. Elwood

Inventor's signature:



Date:

10/19/98

Citizenship:

U.S.A.

Residence:

Cedar Knolls, NJ 07927

Post Office Address:

100 Grand Avenue, Cedar Knolls, NJ 07927

Full name of third joint  
inventor, if any:

Robert R. Aharonov

Inventor's signature:



Date:

10/9/98

Citizenship:

U.S.A.

Residence:

Rockaway, NJ 07866

Post Office Address:

5 Cayuga Avenue, Rockaway, NJ 07866

Full name of fourth joint  
inventor, if any:

Peter Ehlers

Inventor's signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

Citizenship:

Federal Republic of Germany

Residence:

Allensbach, Germany

Post Office Address:

Zum Walzenberg 15, D-78476 Allensbach, Germany

Full name of fifth joint

inventor, if any:

Knut Andersen

Inventor's signature:

Date:

Citizenship:

Federal Republic of Germany

Residence:

Allensbach-Hegne, Germany

Post Office Address:

Schlossberg Strasse 32A, D-78476 Allensbach-Hegne, Germany

13928-707-0001

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMPLANT WITH COMPOSITE COATING

the specification of which

\_\_\_\_\_ is attached hereto.

X was filed on May 14, 1998 as Application No. 09/079,502.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a) which states in relevant part: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section... The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98."

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No
-------------------	--------------------	---------------------------------	-----	----

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	Yes	No
-------------------	--------------------	---------------------------------	-----	----

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), and under §119(e) of any United States provisional application(s), listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Patented, Pending, Abandoned)</u>
<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Patented, Pending, Abandoned)</u>

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Paul Davis	29,294
Mark A. Haynes	30,846
John J. Bruckner	35,816
Charles C. Cary	36,764
David J. Weitz	38,362
Kent R. Richardson	39,443
U.P. Peter Eng	39,666
George A. Willman	41,378

Address all correspondence to:

**John J. Bruckner**  
**Wilson Sonsini Goodrich & Rosati**  
**650 Page Mill Road**  
**Palo Alto, CA 94304**

Direct all telephone calls to John J. Bruckner at (650) 493-9300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:

Alfred S. Despres, III

**Inventor's signature:**

**Date:**

**Citizenship:**

U.S.A.

Residence:

Davis, California**Post Office Address:**

2313 Muir Woods Place, Davis, CA 95616

Full name of second joint  
inventor, if any:

Eugene J. Elwood

**Inventor's signature:**

Date:

**Citizenship:**

U.S.A.

Residence:

Cedar Knolls, NJ 07927

Post Office Address:

100 Grand Avenue, Cedar Knolls, NJ 07927

Full name of third joint  
inventor, if any:

Robert R. Aharonov

**Inventor's signature:**

Date:

**Citizenship:**

U.S.A.

**Residence:**

Rockaway, NJ 07866

Post Office Address:

5 Cayuga Avenue, Rockaway, NJ 07866

Full name of fourth joint  
inventor, if any:

Peter Ehlers

Inventor's signature:

A. P. Allen

Date:

26.11.98

**Citizenship:**

Federal Republic of Germany

Residence:

Allensbach, Germany

Post Office Address:

Zum Walzenberg 15, D-78476 Allensbach, Germany

Full name of fifth joint

**inventor, if any:**

# Knut Andersen

**Inventor's signature:**

Vincent Anderson

Date:

26. 11.98

**Citizenship:**

Federal Republic of Germany

**Residence:**

Allensbach-Hegne, Germany

**Post Office Address:**

Schlossberg Strasse 32A, D-78476 Allensbach-Hegne, Germany

[illegible]



Applicant or Patentee: Alfred S. Despres III; Eugene J. Elwood; Robert R. Aharonov; Peter Ehlers; and Knut Andersen

Application or Patent No.: Not yet assigned

Filed or Issued: May 14, 1998

For: IMPLANT WITH COMPOSITE COATING

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.90(f) and 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: Hayes Medical, Inc.

Address of Concern: 819 Striker Avenue, Suite 10, Sacramento, California 95834-1129

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention, entitled

**IMPLANT WITH COMPOSITE COATING**

by inventor(s) Alfred S. Despres III; Eugene J. Elwood; Robert R. Aharonov; Peter Ehlers; and Knut Andersen described in

- ☐ the specification filed herewith  
☒ Application No. Not yet assigned, filed May 14, 1998  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below<sup>1</sup> and no rights to the invention are

<sup>1</sup> NOTE: Separate verified statements are required from each named person, concern or organization having  
(continued...)

held by any person, other than the inventor, who would not qualify as an individual inventor under 37 CFR 1.9(c), if that person had made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Name \_\_\_\_\_

Address \_\_\_\_\_

☐ Individual      ☐ Small Business Concern      ☐ Nonprofit Organization

Name \_\_\_\_\_

Address \_\_\_\_\_

☐ Individual      ☐ Small Business Concern      ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which the verified statement is directed.

Name of Person Signing: Carolyn Preising

Title of Person Other Than Owner: Patent Counsel

Address of Person Signing: 819 Striker Avenue, Suite 10, Sacramento, California 95834-1129

Signature: Carolyn H. Preising      Date: 8/1/98

<sup>1</sup>(...continued)

rights to the invention averring to their status as small entities. (37 CFR 1.27).